

AGENDA ITEM _____
DATE _____

Special Meeting
July 15, 2014

**MINUTES OF A SPECIAL MEETING OF THE CASA GRANDE BOARD
OF ADJUSTMENT HELD ON TUESDAY, JULY 15, 2014 AT 6:00 P.M.
IN THE COUNCIL CHAMBERS LOCATED AT CITY HALL, 510 E.
FLORENCE BOULEVARD, CASA GRANDE, ARIZONA**

I. Call to Order and Pledge:

Chairman Garcia called the meeting to order at 6:04 p.m.

II. Roll Call:

Members Present:

Member Debra Shaw-Rhodes
Member Gordon Beck
Vice-Chairman Mark Zeibak
Chairman Rueben Garcia

Members Absent:

Member Charles Wright	Excused
Member Clarence Martin	Unexcused
Member Harold Vangilder	Resigned

City Staff Present:

Paul Tice, Planning and Development Director
Leila DeMaree, Senior Planner
Duane Eitel, Traffic Engineer
Melanie Podolak, Administrative Assistant

III. Changes to the Agenda:

There were no changes to report.

IV. Unfinished Business:

- A. DSA-14-00097: Request by Brad Holyoak, AZ Sourcing, LLC, for a Temporary Use Permit** to allow a 14' diameter sculptural logo (approximately 154 sq. ft.) for the Phoenix Mart development prior to the approval of a comprehensive sign plan, generally located at the NEC of Florence Blvd. /SR287 and Toltec Buttes Road. (Planner: Leila DeMaree)

Leila DeMaree, Senior Planner came forward to present a brief overview of the case as stated in the Staff Report. Ms. DeMaree explained that this request was tabled at the July 8, 2014, Board of Adjustment meeting. The Board requested the applicant provide

an exhibit showing the logo signage's final elevation and for staff to revise the staff report to clarify the request. Ms. DeMaree stated on March 11, 2014, the Board approved four monument signs for this project, but the applicant only submitted for two monument signs for which they have obtained building permit approval. The applicant is requesting to install their logo sign between the two entrance monument signs. She noted the finished height of the logo sign will be 17 feet 6 inches, and the logo will not be illuminated. Ms. DeMaree stated the Comprehensive Sign Plan for this project is currently under review by city staff, and includes all the signs that were approved under the Temporary Use Permit (TUP), and well as the logo sign. Ms. DeMaree cited city code section 17.68.210 (I), which allows the Board to approve by Resolution any uses that will not be detrimental to the public.

Member Beck questioned how long the applicant plans to leave the logo signage in place, if approved.

Ms. DeMaree stated the logo signage, if approved is allowed to be in place for one year, and can be extended for another year. She explained that the proposed sign is part of the Comprehensive Sign Plan, so if the Planning Commission approves the Comprehensive Sign Plan then the sign will remain in place permanently.

Member Beck then questioned if this meets the TUP standards, seeing the applicant intends for the sign to be permanent.

Ms. DeMaree reiterated that the TUP allows the sign one year, with an extension of an additional year.

Member Beck commented that he understands the TUP process, but the intent of this request is to keep the signs permanently. He stated the applicant should wait until the Comprehensive Sign Plan is approved. Member Beck commented that there is finagling going on and that bothers him; this should be a temporary use not permanent use.

Director Tice stated this is an unusual request. The construction being proposed may be temporary or may be permanent depending on the decision of the Planning Commission. If the Commission denies the Comprehensive Sign Plan then the signs will be temporary; at this point and time we do not know if the signs are temporary or permanent.

Ms. DeMaree noted the comprehensive sign plan has been under review by staff for 30 days.

Director Tice mentioned that the applicant is aware they are constructing the signs "at risk", but they are under time constraints and would like to install the signage now. He explained the ordinance gives the Board a lot of discretion in this area. The Board can approve any TUP for any length of time that they feel is appropriate. Director Tice stated in this case what staff is recommending is that if this request is approved it will be

for a maximum of one year with a one year extension. Director Tice commented that he understands Member Beck's point but stated he believes this request is within the prerogative of the Board to consider as a TUP.

Member Beck stated that the fact is that this sign will be permanent and the request is for a TUP allowing a specific time. He commented the Board is being used for whatever purpose and he is not comfortable with that.

Member Shaw-Rhodes interjected. She stated this logo is only allowed to be in place for up to two years, therefore if it is not approved by the Planning Commission then it will have to be removed, so it is a temporary sign. Member Shaw-Rhodes then stated when this request was brought before the Board last week this issue never came up, the only issues expressed were with the staff report wording and the sign elevations. She commented it is not fair to the applicant to now bring up another issue, and start a new battle. Member Shaw-Rhodes stated that whenever a temporary tax is put in place sometimes it stays forever. She then gave an example of construction trailers that are placed on site during the construction of homes or new developments; the trailer is removed once the construction is complete.

Member Beck stated there is a time when the trailer will be removed, but this applicant's intention is for the sign to be permanent, hoping the Planning Commission will just say it is already installed so they have to approve.

Member Shaw-Rhodes commented that no one is trying to do anything backhanded.

Vice-Chairman Zeibak questioned if their approval or disapproval is going to cause any pressure for the Planning Commission to continue the signs existence.

Ms. DeMaree replied she does not feel there is pressure for the Planning Commission to approve any Comprehensive Sign Plan when signs are already constructed. She mentioned that the initial design currently under review by staff is similar to what the Board is looking at now.

Vice-Chairman Zeibak stated the Planning Commission will make a decision based on what is presented before them, with no pressure from this Board if they approve this request.

Chairman Garcia called for the applicant to come forward.

Brad Holyoak, 7047 E. Greenway Parkway, Suite 160, Scottsdale, applicant with AZ Sourcing, came forward to address the Board. Mr. Holyoak stated the main points of misunderstanding in the report last week were the difference between the first application and this application. The first application had four signs approved and the second request was just for the logo, which technically is the fifth sign they could ultimately construct. He explained they decided to construct the logo sign in lieu of the two signs that flank the inside of the loop roads. Mr. Holyoak commented they are

willing to stipulate that approval of this logo can include forfeiture of the right to construct the two inside monument signs.

Chairman Garcia made a call to the public; no one came forward.

Member Beck restated that he does not feel comfortable with what is going on. When the Board approved the signs in March the AZ Sourcing people changed what was approved. They were approved four signs of a certain size and shape, but they went with two signs, different size and shape. He stated this is not a temporary use and should not be considered.

Member Shaw-Rhodes commented that with Mr. Holyoak offering to forfeit the other two signs in lieu of this sign will be a nice closure.

Vice-Chairman Zeibak stated when we looked at the four signs we knew they were intended to be a long term installation and if it is approved by the Planning Commission they will be permanent. There is no difference between the applicant's first request and this request. He noted the applicant did not increase the signs, but rather reduced the number and size.

Member Shaw-Rhodes agreed with Vice-Chairman Zeibak.

Chairman Garcia stated he considers this to have been more trouble than what it should have been. He commented he is not a master engineer, but he had no problem with reading and understanding the dimensions and everything else that was included and presented at the meeting last week. Chairman Garcia stated this request was very small and insignificant compared to what is going to be constructed behind it. He commented that he has a problem with the Board for this much discussion to be heard on this one logo sign.

Vice-Chairman Zeibak made a motion to approve case DSA-14-00097 for a Temporary Use Permit to allow a 14'diameter sculptural logo (approximately 154 sq. ft.), for the Phoenix Mart development prior to the approval of a comprehensive sign plan, with conditions as stated below. Member Shaw-Rhodes seconded the motion.

Director Tice questioned if the motion was for the two conditions included in the staff report, and the provisional condition to forfeit the two monument signs that were approved at a prior meeting.

Member Shaw-Rhodes stated the applicant offered to forfeit the two signs, and the Board should accept that and make it part of the recommendation.

Vice-Chairman Zeibak amended his motion to include the added condition forfeiting the two monument signs.

Director Tice stated it needs to be part of the motion and staff will make sure the conditions becomes part of the Resolution.

Member Shaw-Rhodes made a motion to stipulate two of the monument signs that were approved at the March meeting will not constructed in lieu of the logo sign being constructed on site. The conditions are as follows:

1. The use is approved for a period of one (1) year, which can be extended administratively for one (1) additional year, if needed.
2. Maximum height of the Phoenix Mart Sculptural Logo is 17'-6" measured from the top of the berm.
3. The two unconstructed entry monument signs located to the east and west of the proposed logo sign that were previously approved with DSA-13-00164 are no longer eligible for construction under that Temporary Use Permit.

Vice-Chairman Zeibak seconded the motion.

The following roll call vote was recorded:

Member Shaw-Rhodes	Aye
Member Beck	Nay
Vice-Chairman Zeibak	Aye
Chairman Garcia	Aye

The motion passed 3 – 1.

Chairman Garcia asked the Board to remain; he had a few comments he would like to discuss with the Board.

Director Tice cited that if the Chairman is calling for an Executive Session, per the by-laws it would have needed to be on the agenda; under state law we are not allowed to go into an Executive Session because it was not posted.

V. Call to the Public:

There were no comments received from the public.

VI. Report by Planning Director:

Director Tice reported that Member Vangilder resigned his position on the Board due to commitments regarding his political campaign. Director Tice stated the Mayor will be advertising and interviewing for a new Board Member.

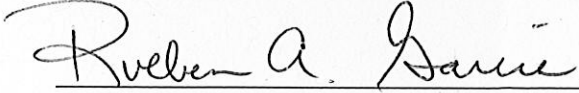
VII. Adjournment:

Chairman Garcia motioned for adjournment, Member Beck seconded, a voice call vote was called and all were in favor.

Chairman Garcia called for adjournment at 6:30 p.m.

Submitted this **17th day of July, 2014** by Melanie Podolak, Administrative Assistant to the Casa Grande Board of Adjustment, subject to the Board's approval.

Approved this 14 day of OCT, 2014 by the Casa Grande Board of Adjustment.


Chairman Garcia



**Board of Adjustment
(REVISED) STAFF REPORT**

AGENDA

TO: CASA GRANDE BOARD OF ADJUSTMENT

FROM: Leila DeMaree, Senior Planner

MEETING DATE: July 15, 2014

SUBJECT: DSA-14-00097 – Temporary Use Permit- Phoenix Mart Logo

REQUEST

DSA-14-00097: Request by Brad Holyoak, AZ Sourcing, LLC, for a **Temporary Use Permit** to allow a 14' diameter sculptural logo, with a maximum sign area of 154 sq. ft. and a maximum height of 17'6", for the Phoenix Mart development prior to the approval of a comprehensive sign plan, generally located at the NEC of Florence Blvd. /SR287 and Toltec Buttes Road (portion of APN 401-11-009B).

STAFF RECOMMENDATION

Staff recommends the Board approves DSA-14-00097 with the following condition:

- 1) The use is approved for a period of one (1) year, which can be extended administratively for one (1) additional year, if needed.
- 2) Maximum height of the Phoenix Mart Sculptural Logo is 17'-6" measured from the top of the berm.

APPLICANT/OWNER

Applicant:
Phoenix Mart/Brad Holyoak
7047 E. Greenway Parkway, Suite 160
Scottsdale, AZ 85254

Property Owner:
AZSourcing, LLC
7047 E. Greenway Parkway, Suite 190,
Scottsdale, AZ 85254

OVERVIEW

The Board of Adjustment met on July 8, 2014 and tabled this request to July 15th, 2014 to allow staff to revise the staff report and clarify the request. The Board also requested the applicant provide a better exhibit of the proposed Logo in referenced to its final elevation.

The project site is located north of Florence Boulevard and east of Toltec Buttes Road, within parcel # 401-11-009B. This property is owned by AZSourcing for the proposed Phoenix Mart

development. Planning Staff has forwarded this application to the Board in accordance with Section 17.68.210.I. of the Casa Grande City Code (See below), since the addition of the sculptural logo request is not listed as specific temporary use that can be considered by staff administratively.

17.68.210 In general.

Uses permitted subject to special temporary use permit are those temporary uses which are required for the proper function of the community or are temporarily required in the process of establishing a permitted use, or constructing a public facility. Such uses shall be so conducted that they will not be detrimental in any way to the surrounding properties or to the community. Uses permitted subject to a special temporary use permit may include:

- A. *Christmas tree sales;*
- B. *Carnivals, circuses, special events of not over seventy-two consecutive hours;*
- C. *Garage sales (limited to sixty consecutive hours);*
- D. *Parking and storage of earth moving or construction equipment;*
- E. *Storage of materials incidental to the carrying on of a public works project, subdivision or construction project;*
- F. *Tent revival meetings;*
- G. *Tract home or lot sales office;*
- H. *Construction - garage or shed for subdivision construction;*
- I. ***Such other uses as the Board may, by resolution, deem to be within the intent and purpose of this section.***

A Comprehensive Sign Plan application is currently under review by staff for action by the Planning and Zoning Commission. If the Comprehensive Sign Plan allows the type of signs constructed under the Temporary Use Permit, then these signs will be left in place and permitted as permanent signage. If the Sculptural Logo is not approved with the Comprehensive Sign Plan, it will be removed or otherwise modified to comply with the requirements of the Comprehensive Sign Plan.

PROJECT DESCRIPTION

This request is to install a Phoenix Mart Sculptural Logo at the center of the two main driveway access points along Florence Boulevard/SR287.

The proposed size of the logo is 12'-10" x 13'- 6", supported by a metal pole that sits on a concrete base. It will be made of aluminum material, painted in Brilliant Gold color. The proposed sculptural logo is non-illuminated. The finished height of the logo is proposed at 17'

6" as measured from the berm. Staff supports the height of the logo to be proportionate to the overall size of the development area.

The Temporary Use Permit process would allow this request to occur with approval from the Board of Adjustment in accordance with the provisions of Section 17.68.210. I. If the request is approved by the Board, it will allow the applicant to install the logo based upon the specified conditions of approval of the Temporary Use Permit.

PUBLIC NOTIFICATION/COMMENTS

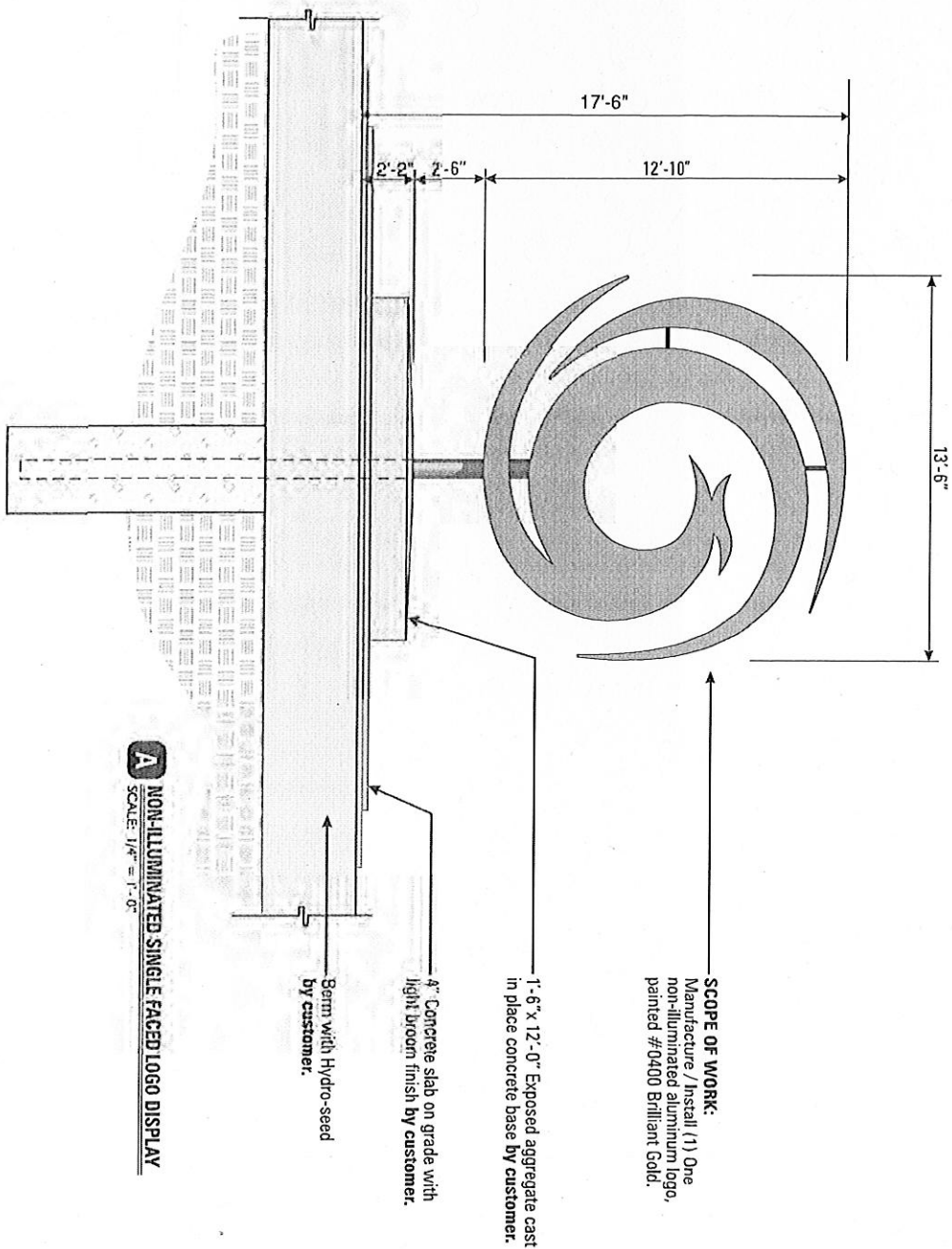
Notification

Public hearing notification efforts for this request meet and exceed those requirements set out by City Code. They include:

- A notice of time, date, place, and purpose of the public hearing was published in the Casa Grande Dispatch on June 20st, 2014.

Exhibits

1. Logo rendering
2. Project Site Plan
3. Cross-section



A NON-ILLUMINATED SINGLE FACED LOGO DISPLAY
SCALE: 1/4" = 1'-0"

Exhibit 1 - Logo Rendering

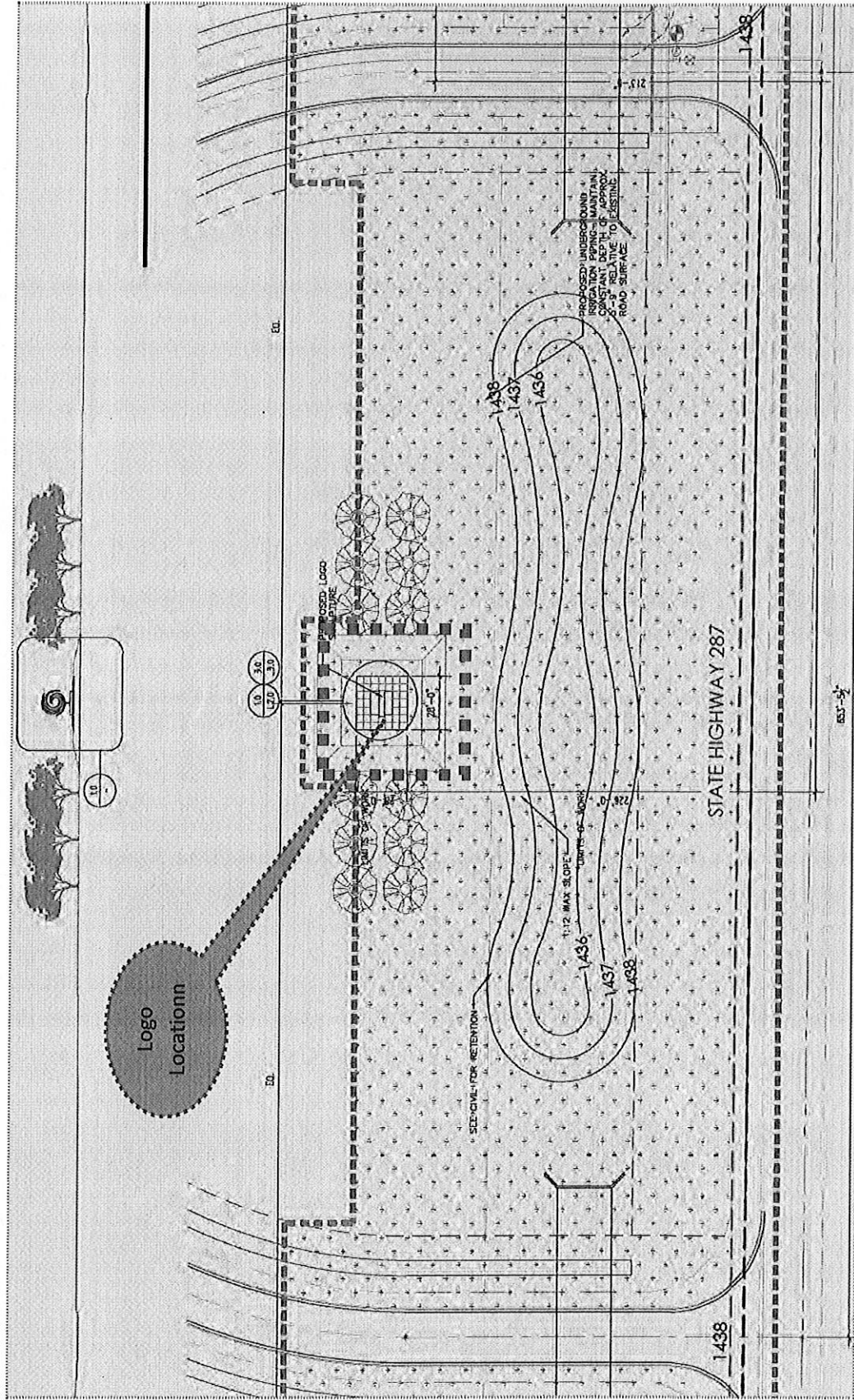
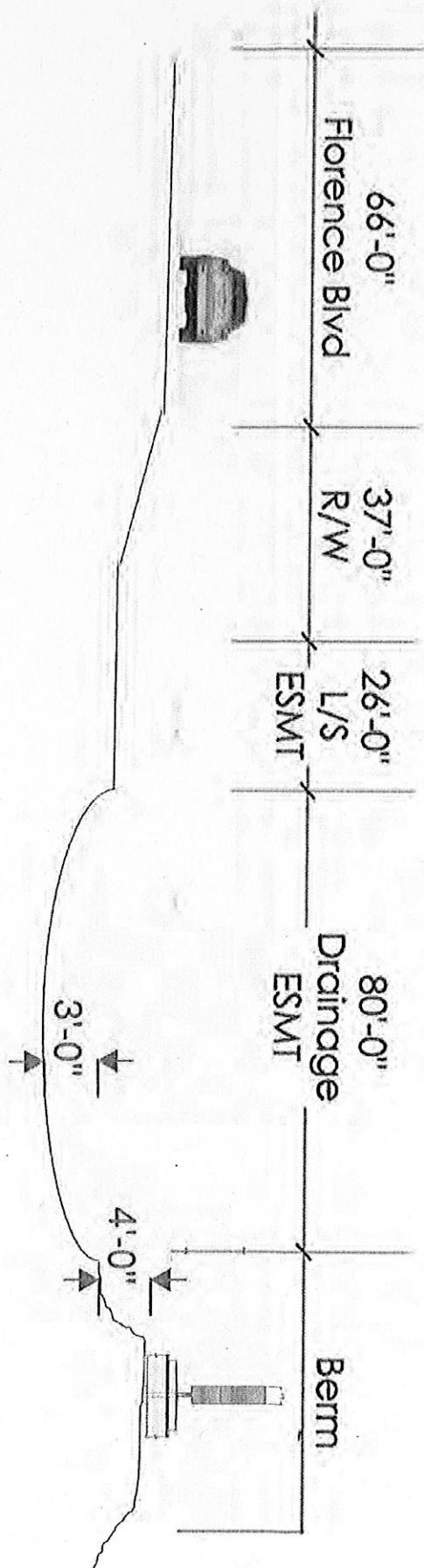


Exhibit 2 – Site Plan of Proposed Phoenix Mart Sculptural Logo



RESOLUTION NO. 14-00097

A RESOLUTION OF THE BOARD OF ADJUSTMENT FOR THE CITY OF CASA GRANDE, ARIZONA, TO TEMPORARILY INSTALL A SCULPTURAL LOGO SIGN AS A TEMPORARY USE PURSUANT TO SECTION 17.68.210(I) OF THE CITY CODE.

BE IT RESOLVED by the Board of Adjustment for the City of Casa Grande, Arizona, as follows:

WHEREAS, Section 17.68.210 of the Zoning Code for the City of Casa Grande establishes certain temporary uses that, provided they are not operated in a manner detrimental to surrounding property, may be allowed to operate in the community pursuant to a Temporary Use Permit; and

WHEREAS, in addition to those uses specifically set forth in the Code as temporary uses, Section 17.68.210(I) of the Zoning Code provides that the Board of Adjustment may, by resolution, allow other temporary uses the Board deems to be within the intent and purpose of Section 17.68.210; and

WHEREAS, the temporary installation of the Phoenix Mart Sculptural Logo sign within the specified area owned by AZ Sourcing, LLC subject to appropriate conditions to ensure that such temporary uses are not operated in a manner detrimental to surrounding property, appears to fall within the intent and purpose of Section 17.68.210;

NOW, THEREFORE, IT IS RESOLVED by the Board of Adjustment for the City of Casa Grande that, pursuant to Section 17.68.210(I) of the Casa Grande City Code, the temporary installation of the Phoenix Mart Sculptural Logo sign at the proposed entrance for the Phoenix Mart development at the NEC corner of Florence Blvd./SR287 and Toltec Buttes Road is hereby declared to be an appropriate temporary use subject to all other provisions of Chapter 17.68, Article IV, of the Casa Grande City Code and the following conditions:

- 1) The use is approved for a period of one (1) year, which can be extended administratively for one (1) additional year, if needed.
- 2) Maximum height of the Phoenix Mart Sculptural Logo is 17'-6" measured from the top of the berm.

PASSED AND ADOPTED by the Board of Adjustment of the City of Casa Grande, Arizona, this 15th day of July, 2014.

Chairman of the Board of Adjustment

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney